

EXHIBIT

“A”

E-FILED
Bexar County, County Clerk
Lucy Adama-Clark
Accepted Date: 4/2/2019 8:27 AM
Accepted By: Christopher Cavazos
/s/ Christopher Cavazos
Deputy Clerk

NO. 2019CV03060

LESLIE RICHARDSON
Plaintiff,

V.

WALMART STORES TEXAS, LLC
d/b/a WALMART #01313
Defendant.

§ IN THE COUNTY COURT

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§ OF BEXAR COUNTY, TEXAS

AT LAW NO. CC# 10

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Leslie Richardson, hereinafter called Plaintiff, complaining of and about Walmart Stores Texas, LLC, d/b/a Walmart #01313, hereinafter called Defendant, and for cause of action shows unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, Leslie Richardson, is an Individual whose address is San Antonio, Bexar County, Texas.

3. The last three numbers of Leslie Richardson's driver's license number are 778. The last three numbers of Leslie Richardson's social security number are 886.

4. Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 may be served with process by serving the registered agent of said corporation, CT Corporation System, at 1999 Bryan Street, Dallas, Texas 75201. Service of said Defendant as described above can be effected by personal delivery.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. Plaintiff seeks:

a. only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

7. This court has jurisdiction over the parties because Defendant is a Texas resident.

8. Venue in Bexar County is proper in this cause under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to this lawsuit occurred in this county.

FACTS

9. On or about April 1, 2017, Leslie Richardson, purchased a bicycle from the Defendant and had the Defendant assemble the bicycle for her personal use and while using the bicycle for the purpose and in the manner in which it was intended to be used, suddenly and without warning, the handle bars gave way and slipped injuring Leslie Richardson, as hereinafter described.

LIABILITY OF WALMART

10. Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313, is liable for harm caused to Plaintiff, Leslie Richardson, because:

A. Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 altered or modified the bicycle and Plaintiff's harm resulted from that alternation or modification.

B. Defendant negligently assembled the bicycle, failing to secure the handlebars securely and correctly.

11. Plaintiff would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 in one or more of the following respects, or by combination thereof:

A. Failure of the handle bars or other systems of said bicycle and its attendant equipment

B. Failing to inspect said bicycle and its attendant equipment

12. Pleading further, Plaintiff would show the court that the occurrence made the basis of this suit and the resulting injuries and damages set out below were a direct and proximate result of the negligence of Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 in one or more of the following respects, or by a combination thereof:

A. Failing to inspect the bicycle, its component parts and/or attendant equipment for functional defects, specifically including but not limited to the handle bars.

B. Failing to use due care to assemble the bicycle so as to permit its safe operation, specifically including but not limited to the safe operation of the bicycle when used for the purpose and in the manner intended

All of which Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 knew, or in the exercise of ordinary care, should have known.

13. In addition, Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 expressly and impliedly warranted to the public generally, that the bicycle was of merchantable quality and was safe and fit for the purpose intended when used under ordinary conditions and in an ordinary manner. Plaintiff relied upon these express and implied warranties and suffered the injuries and damages set forth below as a proximate result of the breach of these warranties.

14. Defendant's aforementioned conduct constitutes a careless, negligent, and reckless disregard of a duty of care for others.

EXEMPLARY DAMAGES

15. Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313's acts or omissions described above, when viewed from the standpoint of Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 at the time of the act or omission, involved an extreme degree of risk,

considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313 had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others.

16. Based on the facts stated herein, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant Walmart Stores Texas, LLC, d/b/a Walmart #01313.

DAMAGES FOR PLAINTIFF, LESLIE RICHARDSON

17. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, Leslie Richardson was caused to suffer bodily injuries, and has incurred the following damages:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in Bexar County, Texas;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Physical impairment in the past;
- F. Physical impairment which, in all reasonable probability, will be suffered in the future;
- G. Loss of earnings in the past;
- H. Loss of earning capacity which will, in all probability, be incurred in the future;
- I. Loss of Eyesight;
- J. Mental anguish in the past;

- K. Mental anguish in the future;
- L. Fear of future disease or condition; and
- M. Cost of medical monitoring and prevention in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Leslie Richardson, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

By: _____

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